

Filed: February 15, 2023

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

BRIEFING ORDER - CIVIL/AGENCY CROSS APPEAL

No. 23-1078 (L), B.P.J. v. West Virginia State Board of Education
2:21-cv-00316

B.P.J. and Heather Jackson shall be considered the appellant for the purposes of this briefing schedule. Briefing shall proceed on the following schedule:

JOINT APPENDIX due: 03/27/2023 (B.P.J. and Heather Jackson)

BRIEF [Opening] due: 03/27/2023 (B.P.J. and Heather Jackson)

BRIEF [Opening/response] due: 04/26/2023 (“opening” only applies to arguments from West Virginia Secondary School Activities Commission, “response” applies to all appellees in 23-1078)

BRIEF [Response/reply] due: 05/26/2023 (B.P.J. and Heather Jackson)

BRIEF [Reply] (if any) due: Within 21 days of service of response/reply brief (only from West Virginia Secondary School Activities Commission).

The following rules apply under this schedule:

- Filings must conform to the **Fourth Circuit Brief & Appendix Requirements** as to content, format, and copies. The Requirements are available as a link from this order and at www.ca4.uscourts.gov. FRAP 28, 30 & 32.
- The joint appendix must be paginated using Bates page numbering and the JA or J.A. format required by the **Fourth Circuit Appendix Pagination & Brief Citation Guide**. Appendix citations in the parties' briefs must use the

same format. Local Rules 28(g) & 30(b)(4).

- All parties to a side must join in a single brief, even in consolidated cases, unless the court has granted a motion for leave to file separate briefs. Local Rules 28(a) & 28(d).
- Motions for extension of time should be filed only in extraordinary circumstances upon a showing of good cause. Local Rule 31(c).
- If a brief is filed in advance of its due date, the filer may request a corresponding advancement of the due date for the next brief by filing a motion to amend the briefing schedule.
- If a brief is filed after its due date, the time for filing subsequent briefs will be extended by the number of days the brief was late.
- Failure to file an opening brief within the scheduled time may lead to dismissal of the case and imposition of sanctions against counsel. Local Rules 45 & 46(g).
- Failure to file a response brief may result in loss of the right to be heard at argument. FRAP 31(c).
- If a case has not been scheduled for a mediation conference, but counsel believes such a conference would be beneficial, counsel should contact the Office of the Circuit Mediator directly at 843-731-9099, and a mediation conference will be scheduled. In such a case, the reason for scheduling the conference will be kept confidential. Local Rule 33.
- The court may, on its own initiative and without prior notice, screen an appeal for decision on the parties' briefs without oral argument. Local Rule 34(a).
- If a case is to be scheduled for argument, counsel will receive prior notice from the court.

/s/ PATRICIA S. CONNOR, CLERK
By: Anisha Walker, Deputy Clerk